

### ORDER FOR SCHEDULING CONFERENCE

At Wilmington this            day of

IT IS ORDERED that:

1. A telephonic scheduling conference to be initiated by plaintiff's counsel shall be held on \_\_\_\_\_ at \_\_\_\_ m. See D. Del. LR 16.2.

2. Pursuant to the early disclosure requirements of Fed. R. Civ. P. 26, counsel shall immediately exchange the following information without formal discovery requests:

- (a) identities of individuals likely to have knowledge of discoverable information that may be used to support the disclosing party's claims or defenses;
- (b) documents and things in the possession of counsel or the party that may be used to support the disclosing party's claims or defenses;
- (c) identities of experts and their opinions;
- (d) insurance agreements in force; and
- (e) statement of the basis for any damages claimed.

Counsel should **not** file any of the aforementioned with the court.

3. Prior to the teleconference scheduled herein, counsel shall confer pursuant to Fed. R. Civ. P. 26(f) and shall submit a discovery plan to the undersigned not later than 24 hours prior to the conference with the court. The discovery plan shall conform to the enclosed form of scheduling order.

4. At the teleconference with the court, all parties shall be represented by counsel who shall have full authority to bind their clients in all pretrial matters.

5. If any party hereafter enters an appearance, counsel for plaintiff shall notify said party of the above teleconference and forward to that party a copy of these materials.

6. The parties shall advise the undersigned immediately if this matter has been settled or terminated so that the above teleconference may be canceled.

7. Counsel are further advised that communications to the court by FAX will not be accepted.

8. Pursuant to Local Rule 83.5, counsel moving the admission of attorneys pro hac vice shall submit **one** inclusive motion and order for all such attorneys.

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United States District Judge

## ORDER

This                    day of                    200\_, the parties  
having satisfied their obligations under Fed. R. Civ. P. 26(f),  
and the court having conducted a pretrial scheduling conference  
pursuant to Fed. R. Civ. P. 16 and D. Del. LR 16.2(a) and (b).

IT IS ORDERED that:

1. **Pre-Discovery Disclosures.** The parties [have exchanged] [will exchange by \_\_\_\_\_(date)\_\_\_\_\_] the information required by Fed. R. Civ. P. 26(a)(1) and D. Del. LR 16.2.

## 2. Discovery.

(a) Discovery will be needed on the following subjects: (brief description of subjects on which discovery will be needed).

(b) All discovery shall be commenced in time to be completed by (date) .

(c) Maximum of \_\_\_\_\_ interrogatories by each party  
to any other party.

(d) Maximum of \_\_\_\_\_ requests for admission by each party to any other party.

(e) Maximum of \_\_\_\_\_ depositions by plaintiff and \_\_\_\_\_ by defendant.

(f) Each deposition [other than of \_\_\_\_\_]  
limited to a maximum of \_\_\_\_ hours unless extended by agreement  
of parties.

(g) Reports from retained experts under Rule 26(a)(2) on issues for which any party has the burden of proof

due by \_\_\_\_\_. Rebuttal expert reports due by \_\_\_\_\_.  
All Daubert motions due by \_\_\_\_\_.

(h) Supplementations under Rule 26(e) due  
(time(s) or interval(s)) \_\_\_\_\_.

(i) **Discovery Disputes.** Any discovery dispute shall be submitted to the court pursuant to Fed. R. Civ. P. 37. During the course of discovery, each party is limited to **two (2)** Rule 37 motions. The court shall make itself available, however, to resolve through a telephone conference, disputes that arise during the course of a deposition and disputes related to entry of a protective order.

3. **Joinder of other Parties, Amendment of Pleadings, and Class Certification.** All motions to join other parties, amend the pleadings, and certify a class action shall be filed on or before \_\_\_\_\_.

4. **Settlement Conference.** Pursuant to 28 U.S.C. § 636, this matter is referred to Magistrate Judge Thyng for the purposes of exploring the possibility of a settlement.

5. **Summary Judgment Motions.** All summary judgment motions shall be served and filed with an opening brief on or before \_\_\_\_\_. Briefing shall be pursuant to D. Del. LR 7.1.2. No summary judgment motion may be filed more than **ten (10)** days from the above date without leave of the court.

6. **Applications by Motion.** Any application to the court shall be by written motion filed with the clerk. Unless

otherwise requested by the court, counsel shall not deliver copies of papers or correspondence to chambers. **Any non-dispositive motion shall contain the statement required by D. Del. LR 7.1.1.**

7. **Motions in Limine.** All motions in limine shall be filed on or before **[two weeks before pretrial conference]**. All responses to said motions shall be filed on or before **[one week before pretrial conference]**.

8. **Pretrial Conference.** A pretrial conference will be held on \_\_\_\_\_ at \_\_\_\_\_ m. in Courtroom No. 6B, Sixth Floor Federal Building, 844 King Street, Wilmington, Delaware. The Federal Rules of Civil Procedure and D. Del. LR 16.4 shall govern the pretrial conference.

9. **Trial.** This matter is scheduled for a [day/week] bench/jury trial commencing on \_\_\_\_\_ in Courtroom No. 6B, Sixth Floor Federal Building, 844 King Street, Wilmington, Delaware. For purposes of completing pretrial preparations, the parties should plan on being allocated a total number of hours in which to present their respective cases.

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United States District Judge